

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**IMTHIYAS AHAMED, and ALL
OTHERS SIMILARLY SITUATED,**

Plaintiffs

v.

**RIYA TRAVEL & TOURS, INC.,
BOOKOTRIP LLC, TRIP BRANDS LLC,
SAMUEL BENSON, AND ALI BENSON,**

Defendants

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CIVIL ACTION NO. 4:17-cv-00018

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff Imthiyas Ahamed and Defendants Riya Travel & Tours, Inc., BookOTrip LLC, Trip Brands, LLC, Samuel Benson and Ani Benson file this Joint Stipulation of Dismissal with Prejudice, and, in support, show the following:

1. Plaintiff filed this lawsuit under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”), alleging that Defendants failed to compensate Plaintiff for overtime pay. Defendants denied Plaintiffs’ claims.

2. Plaintiff and Defendants have agreed to a settlement of Plaintiff’s claims. The settlement was the product of arms-length negotiations by the parties and their counsel. The terms of the settlement are confidential, but provide generally for monetary compensation to Plaintiff, and eliminate the risks that Plaintiff and Defendants would bear if this litigation continued. Plaintiff and Defendants believe the settlement, which is memorialized in a Settlement Agreement and Release, is fair and reasonable and should be approved.

3. Court approval of FLSA actions is necessary to effectuate a valid and enforceable release of plaintiffs' FLSA claims. Where, as here, the litigation arises from a private enforcement action under FLSA § 216(b), the standard for approval is straightforward: a district court may approve a fair and reasonable settlement if it was reached as a result of contested litigation to resolve a *bona fide* dispute under the FLSA. *Lynne's Food Stores, Inc. v. U.S.*, 679 F.2d 1350, 1352-54 (11th Cir. 1982). The settlement in this case meets both prongs of the applicable judicial standard. The parties and their counsel have executed a written settlement agreement indicating their approval of the settlement

4. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.

5. A receiver has not been appointed in this case.

6. Therefore, Plaintiff and Defendant respectfully request that this Court conclude that the settlement of this lawsuit reflects a fair and reasonable resolution of a *bona fide* dispute under the FLSA, and approve the settlement.

Respectfully submitted,

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Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that on May 22, 2017, a true and correct copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all parties of record:

Ali S. Ahmed
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/s/ James P. McNerny
James P. McNerny